

CASCADE COUNTY ZONING BOARD OF ADJUSTMENT

Meeting Minutes
Thursday June 13, 2019
9:00 AM
Room #105, Courthouse Annex
Cascade County Commissioners Chambers

Board Members: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski, Michele Levine

Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at cascadecountymt.gov and the Planning Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated in red, within each agenda item below, and will direct you to the precise location should you wish to review the audio segment.

These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment. These minutes are considered a draft until the Zoning Board of Adjustment approves them.

STAFF ATTENDEES: Charity Yonker, Anna Ehnes, and Destiny Gough

PUBLIC ATTENDEES: Robert Bialecki, David Bowen, James Cummings, Misty Dwello, William Dwello, Monica Ebert, Creed Evans, Amelia Meckler, Les Payne, Dwight D. Smith, Jim Steil, and Karen Young.

1. CALL TO ORDER: CHAIRMAN BILL AUSTIN CALLED THE MEETING TO ORDER AT 9:05 AM

2. ROLL CALL

BOARD MEMBERS PRESENT: Bill Austin, Charles Kuether, Leonard Reed, and Rob Skawinski.

BOARD MEMBERS ABSENT: Michele Levine.

3. APPROVAL OF MINUTES: APRIL 18, 2019.

Charles Kuether motion to approve.

Leonard Reed seconded the motion

All in favor; motion carries 5-0

4. NEW BUSINESS:

A. Variance, Telecommunications Tower Height – Crown Castle

1. Staff Report by Sandor Hopkins

Motions:

- A. **Alternative 1:** “[T]he variance to allow for a height extension (20 feet) of an existing telecommunications tower be **denied**,”

OR

- B. **Alternative 2:** “[T]he variance to allow for a height extension (20 feet) operation of an existing telecommunications tower be **approved** subject to the following condition:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.”

2. Board Discussion & Action

Bill Austin (00:08:06) ask if the letter that they have received this morning is for the first new business agenda item or the second new business agenda item.

Sandor Hopkins (00:08:12) replies that it is for the second new business agenda item.

Bill Austin (00:08:17) asks if the applicant or the developer are here and if they would like to speak.

Amelia Meckler at 1505 Westlake Ave. N Ste 800, Seattle WA 98109-6237 (00:08:40) says that she is here to represent the applicant Crown Castle. Crown Castle does manage and offer wireless infrastructure across the country. In Cascade County they have fourteen (14) sites, towers and rooftops. She will try to the best of her ability to answer any questions about this proposal. She says that she has also brought the construction drafts and the tower reinforcement modification drafts, which have been submitted to the state of Montana to be reviewed along with the permit itself.

Charles Kuether (00:09:58) asks the Planning staff if public notices were sent to neighbors.

Sandor Hopkins (00:10:08) replies yes.

Charles Kuether (00:10:12) ask a question in reference to Public Law 1.1.2-96 or the Middle-Class Tax Relief Job Creation Act of 2012. He asks if they were able to check with County Attorneys’ Office. On the assumption that this act of law is legitimate, he asks if this act of law applies to them and is it applicable to this situation.

Sandor Hopkins (00:11:19) replies that they have passed this information on the act of law to the County attorneys. They have yet to hear back. They did not fully investigate the act of law as they did not find it applicable to this situation, as they found it to be a moot point presently. However, if this variance does not go through, they would be looking into it.

Charles Kuether (00:11:36) asks that for their own purpose as the Zoning Board of Adjustment, then it is not applicable to their process.

Sandor Hopkins (00:11:43) replies that is correct. The Zoning Board of Adjustment's process is separate from this process stated in this act of law. Still however, they found the information useful for their board members to have in possession.

Charles Kuether agrees and understands.

Charity Yonker (00:11:58) says that she has received the information from Mr. Hopkins about the act of law. However, she has not had time to read it yet.

Charles Kuether (00:12:04) says that if we are not following it and it does not apply then that is fine with him.

Amelia Meckler (00:12:09) says that the Middle-Class Tax Relief Job Creation Act of 2012 refers to the Spectrum Act Section 64.09A that the federal government laid guidelines for an eligible facility request for a wireless facility that should be approved. She says that there is an attachment to this paper on the back of it.

Bill Austin (00:12:41) says that in his mind it does not apply as they are only looking at an extension in height for this facility.

Charles Kuether and Sandor agrees that currently it does not apply. Bill Austin ask the board for further questions. Hearing none, the Bill Austin opens the public hearing.

Public Hearing opened 9:19 AM

Bill Austin asked for proponents: 1

Jim Steil 3208 6th St. S, Great Falls, MT 59405 (00:14:33) replies that he is self-employed but is hired on to work for different companies such as T-Mobile. He says that a twenty-foot (20ft.) extension is not a concern, especially since they do not have to add another facility. In short, he is for this proposal.

Bill Austin called for opponents: 2

Monica Ebert at 2401 29th St. S, Great Falls, MT 59405 (00:15:30) replies that she does not necessarily oppose it, but she does have several questions about it. She first asks if there will be a light on top of the tower.

Bill Austin (00:16:01) says that he is unaware of the requirements regarding lights on the tower, in order to answer this question.

Amelia Meckler (00:16:04) says that the Federal Agencies have approved of the height. It does not require additional lighting.

Monica Ebert (00:16:11) asks if there will be requiring heavy equipment for constructing the addition to the tower and if so, will the heavy construction equipment be going up and down the road, which is already out of shape.

Amelia Meckler (00:16:23) replies that she currently does not have that information on the construction plan. She asks Ms. Ebert where her dwelling is located.

Monica Ebert (00:16:33) says that she is adjacent to and west of the tower.

Amelia Meckler asks Monica Ebert to point to one the map where her dwelling is on the map. Monica Ebert points to the location of her dwelling on the map.

Amelia Meckler (00:17:09) says that she believes that there is an easement agreement located on Ms. Ebert's property.

Charles Kuether (00:17:15) asks what road Ms. Ebert is referring to.

Monica Ebert (00:17:18) shows where the pavement ends on the map and where the road becomes a dirt road. She discusses the road condition and maintenance arrangements and goes on to show where the road is in bad shape.

Amelia Meckler (00:17:56) says that there is an easement agreement to access the tower within her property. She says that she is currently unaware of what the lease terms are for that road. She will talk to her real-estate team to see what can be done for Ms. Ebert and have them contact her. They can go over what is and what is not covered within the lease as far as the road situation goes.

Monica Ebert agrees. She goes on to say that the extension is currently laying on the ground for several weeks now alongside some litter. Amelia Meckler says that she will give Ms. Ebert her business card so they can talk more directly. She will get her in touch with some more people. She also mentions that she noticed some litter as well. Bill Austin says that they are getting off topic. Monica says that in the interest of being good neighbors, it is important that Crown Castle maintains their property. She says that if there is construction going on from Crown Castle property, the debris could fall on to her property. Then, she will be responsible for the litter.

Bill Austin (00:19:13) says that he understands. Nevertheless, they are reviewing a variance currently, not what goes between a business and a construction company. The conversation should be about the variance. Moreover, construction should not take longer than necessary. It most likely will not take a year to add the addition. Furthermore, if the company is a responsible company, they will maintain their property. He asks Ms. Ebert if she just wants the company to be responsible.

Monica Ebert (00:19:59) replies yes and she would not like the tower to be an eye sore.

Charles Kuether (00:20:03) asks who is responsible for that road.

Monica Ebert (00:20:06) says that they have a Home Owners Association, but she is unaware if their responsibility extends to that road.

Dwight Smith at 2040 32nd St. S, Great Falls, MT 59405 (00:20:33) asks if the air force received this proposal.

Sandor Hopkins (00:20:52) replies that they certified mailed a letter of notification to the air force with the address that the air force provided for the Planning Division. They have not heard anything back yet from the air force.

Dwight Smith (00:21:05) says, "You want to go on that assumption..."

Bill Austin (00:21:07) interjects to state that in the past if there is a problem or if they have a question, they have always in the past notified the county and board members. Based on that assumption and in consideration of the location of the tower from it, it makes sense that the air force has no reason for concern at all.

Dwight Smith (00:21:35) asks if they notified Benefis Hospital.

Sandor Hopkins (00:21:43) replies that they did not contact Benefis Hospital.

Dwight Smith (00:21:46) says that Benefis Hospital Mercy Flights fly over his property, which is near this tower's location. He says that they should let Mercy Flights know about the extension proposal.

Sandor Hopkins (00:22:09) agrees and will try to notify Benefis Hospital.

Leonard Reed agrees that it is a clever idea to inform the hospital.

Charles Kuether (00:22:18) says that if this variance is approved, they will notify Benefis Hospital as a matter of safety precautions.

Dwight Smith (00:22:26) asks if it is approved what is the timing on the extension.

Amelia Meckler (00:22:32) replies that as soon as they have permit and the approval of the variance, they are ready to start constructing.

Bill Austin (00:22:42) says that he finds that there may be a time limit to act that is about six (6) months. If it is not completed within that timeframe, Crown Castle will have to reapply.

Charles Kuether (00:22:55) interjects "It would be this summer they build it."

Bill Austin (00:22:58) says that Crown Castle did reply that they are all set to build once they have their permit and the approval of the variance.

Public Hearing closed at 9:29 AM

Board Discussion and Decision

Bill Austin (00:23:15) asks if Mr. Kuether has already addressed the staff request.

Charles Kuether (00:23:18) says no. He is saying that if it does get approved the Planning Division staff needs to contact Benefis Hospital to make sure that there is no problem.

Sandor Hopkins agrees to contact Benefis Hospital if the variance is approved.

Charles Kuether (00:23:55) moves "[T]he variance to allow for a height extension (20 feet) operation of an existing telecommunications tower **be approved** subject to the following condition:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits."
2. As a matter of courtesy, to contact the homeowner who spoke out earlier to see what can be worked out as far as the littering or if the lease allows them to help out with road maintenance.

Amelia Meckler agrees to contact Monica Ebert about the littering and the road.

Leonard Reed seconds the motion for approval.

All in favor, motion carries 4-0.

B. SUP 007-2019, Minor Utility Installation – Konceptio Data Services (KDS)

1. Staff Report by Sandor Hopkins

Motions:

- A. Alternative 1:** “Move the Special Use Permit to allow the minor utility installation for a telecommunications tower on the property, legally described as geocode 02-3015-21-4-01-01-0000, parcel 0002441400, be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied),”

OR

- B. Alternative 2:** “Move the Board adopt the staff report and findings of fact and **approve** the Special Use Permit to allow the minor utility installation for a telecommunications tower on the property, legally described as geocode 023015-21-4-01-01-0000 parcel 000241400, subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.”

2. Board Discussion & Action

Bill Austin (00:43:44) asks how the board should address the letter that the received this morning.

Sandor Hopkins (00:43:47) says that KDS contacted the Planning Division regarding the lift. The Cascade County Planning Division does not typically permit mobile structures. This proposal is an odd situation. Since, the applicant was already in the Special Use Permitting process, the Planning staff made a special accommodation for it. The assertion that the Great Falls Ice Plex is an educational facility, does not seem correct as the ice rink does not meet the requirements for an educational facility within the zoning regulations. He is unaware however if the cell tower will interfere with the electrical components nearby as he is not an electrical engineer.

Bill Austin (00:45:10) asks if this proposal is about the tower that is currently being hoisted up by a crane.

Sandor Hopkins (00:45:20) replies yes. This Special Use permit (SUP) is for a replacement of the existing crane for a permanent structure.

Charles Kuether (00:45:37) asks if they can speak to the applicant as the applicant states that their tower is being forced to move their site roughly a thousand feet (1,000 ft.) away from their current position. He wonders if there is interference and if they are a thousand feet now how does that affect things. He says the tower is apparently already relocated despite the text that is being stated on paper by the applicant. He would like to investigate these discrepancies between what is written and what has actually occurred.

Sandor Hopkins (00:46:07) agrees that there needs to be clarity on the situation at hand.

Robert Bialecki at PO Box 1284 Great Falls, MT 59403 (00:46:25) says that he is the owner of Konceptio Data Services LLC.

Charles Kuether (00:46:36) asks Mr. Bialecki if it is true that his tower is has already been relocated.

Robert Bialecki (00:46:45) replies that the tower has already been relocated and is currently being hoisted up by a crane. He says that it is just temporary.

Charles Kuether (00:46:51) says that it is not a thousand feet away then. It is where it would be located if it is approved by the Planning Board and Commissioners.

Robert Bialecki (00:46:57) replies no, but it is in the location where it will be.

Charles Kuether (00:47:08) asks about the three by three-foot (3x3 foot) concrete pad that is two inches (2") thick, which is mentioned in the Staff Report. In the Sup however, there is reference to a four by six-foot (4x6 ft.) shed.

Robert Bialecki (00:47:30) replies that the concrete pad is to house the tower, but the shed is mobile. They are separate.

Charles Kuether (00:47:49) asks if he has seen the letter by Mr. Evans and if he has any further comments.

Robert Bialecki (00:47:56) replies no that he has not seen the letter.

Charles Kuether passes a copy of the letter to Robert Bialecki to read. The board and planning staff converse along with the applicant about how the letter mentions the electrical interference and whether the author of the letter is present.

Robert Bialecki (00:48:22) says that the temporary structure they called and asked if they could temporarily hoist the tower on the crane and they received permission.

Charles Kuether (00:48:41) asks about what is stated in the next to the last paragraph of the letter. It mentions electrical interference with the ice rink. He asks if he knows what this author of the letter means.

Robert Bialecki (00:48:53) replies that he does not know. However, his company does provide internet access to that ice rink.

Bill Austin (00:49:04) asks when they plan to officially erect the tower, and have it completed.

Robert Bialecki (00:49:16) replies that as soon as it is possible for them to start building. It will most likely be within a week.

Rob Skawinski (00:49:29) says that he is familiar with his internet as he has KDS internet. He asks what the purpose is of moving and erecting a tower in this specific location. He asks how it is going to fit in with all of KDS's other towers.

Robert Bialecki (00:49:50) replies that nothing substantial changes. They just need to move by the end of October.

Bill Austin (00:50:10) asks if Mr. Bialecki is just looking for a permanent location for the tower right now. There is nothing else that KDS has planned.

Robert Bialecki (00:50:33) replies yes.

Public Hearing opened 9:56 AM

Bill Austin asked for proponents: 2

James Cummings at 1804 32nd St. S, Great Falls, MT 59405 (00:51:30) says that he is assisting to the construction of this tower. He says that Mr. Bialecki has not fully explained what this tower does or how it operated in the past. This tower provides back end services to all outlying towers, microwave lengths to other towers, as well as serves as an access point to all wireless customers directly to their dwelling places. He goes on to say that the tower was originally located nearly a thousand feet to the southwest on a particular property. However, the company lost use of that particular property and were forced to move the tower to a temporary location with a temporary solution, until they could construct a permanent structure. They had this temporary solution of hoisting up the tower with a crane so that they would not disrupt the service that they provide for their customers.

Jim Steil (00:52:48) says that he also works with the police department. He is neither here to be a proponent or an opponent. He is concerned about the noise floor and interference levels with the structure. He says that the Roger Smith, with state communications, came and inspected their facility a while ago. They should get Mr. Smith involved in this proposal. He says that Mr. Smith has been informed of this proposal. He emphasizes that this project needs to be monitored closely to not cause additional problems. In short, they do not want to have anything end up worse.

Charles Kuether (00:54:38) asks if relocating a tower effects the noise floor.

Jim Steil (00:54:42) replies yes and gives an example of how LED lights effect the noise floor.

Bill Austin (00:55:23) asks if that is like when you get interference on the radio.

Jim Steil (00:55:25) replies yes. He then describes another offender to the noise floor, which is ultrasonic items. He says that they all need to be careful. Federal Aviation Administration is doing a study on this topic.

Bill Austin (00:56:12) asks if these concerns and issues be addressed within the licensing to operate on of these towers.

Jim Steil (00:56:16) replies no, these are unlicensed frequencies. Mr. Roger and Chief Bowen, who are the primary users of Flying J Site, are aware. He just wishes everyone does their due diligence and are aware as well.

William Dwello at 37 2nd St. Sand Coulee, MT 59472 (00:57:00) says that he is the network operations manager for KDS network. He manages the frequencies that the they use on the tower. They will be using the same frequency that they were using beforehand for the new tower. It is an unlicensed frequency that is approved by the Federal Communications Commission (FCC) for use. It is the same frequency that is used on a typical WIFI router found in a nearly every house. If they are interfering with something else; it will interfere with them as well, which means that they are not providing quality internet. Therefore, it would not make sense for them to interfere with anyone. They do have a competitor nearby. Yet, they work closely together to ensure that each other are not interfering with each other's frequency.

Bill Austin (00:58:30) asks if he will do due diligence as requested by Jim Steil for this tower.

William Dwello (00:58:32) replies yes.

Bill Austin called for opponents: 1

Creed Evans at PO Box 1542 Great Falls, MT 59401 (00:55:23) says that he owns the neighboring property, which has four (4) towers currently on it. The proposed tower is in between his towers. He says that KDS's tower is disturbing his electrical. He is unaware what the board has been told about KDS losing the lease. He says it is untrue. He says KDS has been leasing from his predecessor and him. There were legal issues regarding the ownership of the tower. KDS did not pay rent for the tower for several months and then they moved the tower. He says that he contacted the authorities and reported the tower as stolen.

Charles Kuether (01:00:46) asks whose tower was it.

Creed Evans (01:00:50) replies that it was last owned by Steven Dow. He says that he bought the property and was contacted by county tax authorities about the tower. He says that he pays taxes for the tower. He says in order to clear up the title, he had an auction for the tower. He bought the tower at the auction. He says the ownership will be determined by a district judge in the future.

Bill Austin (01:01:40) asks about his letter. He asks exactly what kind of interference he is experiencing.

Creed Evans (01:01:48) replies that he would have to get an electrical engineer to explain it all to the board. He says that he is a geologist not an electrical engineer. He will hire an electrical engineer to explain it.

Bill Austin (01:02:03) asks if he does know or not.

Creed Evans (01:02:05) replies that he knows if they put a tower near his towers there will be some kind of interference. He goes on to say that they are simply moving a tower which they may or may not own. He says since his tower was stolen, he is going to replace the tower that will also provide high speed internet. He says his towers have been permitted for many years.

Recess open at 10:08 AM

Recess closed at 10:15 AM

David Bowen at 112 1st Ave. S, Great Falls, MT 59401 (01:03:59) says that he is a police chief and was alerted by this tower moving by Jim Steil. He says that he cannot speak for the technical side of this situation. However, there have been having ongoing issues with the noise floor. They are trying to, in the next ten years, upgrade to a new system. Overall, he is concerned about having any interference with the police dispatches. He is also concerned if this tower becomes a permanent structure, and then problems start to arise. He goes on to

say that he is not in favor or oppose. He just wants assurance that there will be no problems or interference. Just as well, he would also like to get Roger Smith involved.

Leonard Reed (01:05:56) understands that the tower is operating currently on a temporary structure. He asks if that is correct.

Dave Bowen (01:06:05) replies that his assumption is that it is indeed correct. He says currently they get bumped off the system by the state on the wave. Then, they are forced to go on to an analog system that does not have great coverage. Nevertheless, he is unaware of what is creating that bump.

Leonard Reed (01:06:23) asks how long it will be until they can have this expert investigate and give the board and the police some details.

Dave Bowen (01:06:30) replies that it is possible that their Public Safety Answering Point (PSAP)/Police's Communications Center manager Karen Young. She may also have something to state. He says that Karen and he have been trying to get a hold of Roger Smith but have found it difficult as he travels all across the state.

Karen Young at 615 5th Ave. SW, Great Falls, MT 59404 (01:06:50) says that Roger Smith could not attend today's meeting as he had a conflicting meeting. However, he was concerned about how the tower would affect the dispatchers and other county radio frequencies. She is not a telecommunication engineer or a physicist, therefore, she cannot give further details or specifics. She will however be following up with Mr. Smith for his opinion the matter.

Bill Austin (01:07:59) asks who does the actual testing on the noise floor and checks for interference.

Karen Young (01:08:04) replies that Mr. Smith is in charge of the microwave system for the state of Montana. She says that she believes that he does the testing mainly. He does receive some help such as from Dale Osborn from Highway Patrol and Gary Schmitt from Capital Communications. We rely on these people to tell us how these different things affect us.

Bill Austin (01:08:36) asks where the city towers are located.

Karen Young (01:08:39) replies that they are near the same vicinity.

Bill Austin (01:08:42) asks where, specifically in the vicinity.

Karen Young (01:08:43) replies that there is one behind the Flying J and there is one near the golf course in Black Eagle. They have two towers just in case something happens to one tower.

David Bowen (01:08:54) says that part of the issue is that the county is on an older system, a repeater system spread throughout Cascade County. They are also on a trunk digital system of the state that requires a microwave backhaul. He is unaware if Public Works actually has a problem or not with the interference. Nevertheless, they are not involved with the state system that Roger Smith is in.

The board members thank the police for coming down today to speak.

Sandor Hopkins (01:10:03) asks if state permits are issued by Roger Smith and the Communications Department of the state or not. He asks if it is not, is the permitting someone else.

David Bowen (01:10:13) replies that they applied for the federal, but he is unaware if there are permits for the state.

Leonard Reed (01:10:23) says due to the current circumstances that it may be best to move the board table this proposal in order to wait for feedback from Roger Smith.

William Dwello (01:10:33) says that he would like to speak on the frequency issue. He says that the FCC has allotted Cascade County their own frequencies. Their frequencies are separate from the frequencies that [KDS] is allowed to use. They are not allowed by law to infringe on those frequencies.

William Dwello (01:11:20) goes on to say that the noise floor is not an interference or will cause energy on the county's frequency. He says that the County's frequency has its own noise floor, which is separate from the frequency that KDS network uses. He says that part of his job is to monitor the noise floor as they have to operate at a certain power/level in order to provide quality internet and follow the law.

Charles Kuether (01:12:04) asks if Roger Smith is the man that would be able to explain to us the distinction between what Mr. Dwello is saying versus what Mr. Bowen is saying.

William Dwello (01:12:11) replies that certainly Mr. Smith could explain the differences. The FCC controls all of the radio frequencies. He says that their biggest interference is with WIFI routers.

Robert Bialecki (01:12:46) says that is the reason the FCC in order to ensure that such problems do not occur.

Bill Austin (01:13:03) says that nearly any place that you go you will receive WIFI on your phone.

William Dwello (01:13:20) says that cell phone companies pay millions of dollars to have their own licensed frequencies, which is why there is no interference on your cell phone.

Bill Austin (01:13:45) says that a long time ago he used to be in the business of electronics. If he remembers correctly there is an infinite number of odd harmonics in those frequencies. He says overall people do not really interfere much with each other's frequency for the FCC assigns people specific frequencies such as the city, which has their own frequency.

William Dwello (01:14:25) says that they are using an unlicensed frequency and use a guard band, which is assigned by the FCC to give a gap between different frequencies to prevent interferences from occurring. He says the only interference that their tower could cause is a line of sight issue. He says that the tower is only a foot wide. He says as for Mr. Evans's claim that they are interfering with his tower, that they did not cause any interference beforehand, then there should not be any interference now.

Les Payne (01:08:42) says that he is the Deputy Director of Cascade County Public Works. He says that he oversees the Communications Department for Cascade County, which has sites for the volunteer fire department, 911 Call Program, the dispatch center, paging, and so forth.... He says that he is not for this proposal nor is he opposed to this proposal. He just wishes for everything to be in order before it is approved or disapproved. He says that interference is a possibility. He says that no one from KDS network has reached out to him or his building that is located next door. He receives interference constantly on their radios, and everything is licensed by the FCC. The FCC cannot monitor everything.

James Cummings (01:17:28) says that he is a licensed amateur radio operator. He says that for forty (40) years he has been working in Radio frequency (RF) environments. He says that he would be the closest thing in the room to an RF expert. He said that he contacted the county and their radio site. He said that he spoke with the county on what they were going to do and asked if there was going to be any problems before they did anything. He goes on to discuss the RF interference. He says that almost any RF frequency can interfere with another RF frequency. Their unlicensed frequency by FCC cannot cause any interference to other people and they must accept interference that they receive from other people. If they are shown to cause interference, the person that they are interfering with may contact their network directly. They will try everything within their power to mitigate the interference. Consequently, if KDS network does not or cannot mitigate the interference, the person may log a complaint with the FCC. The FCC will then proceed to contact their network to make sure that the complaint is true, and they will work from there to resolve the issue. The FCC is overall the governing body over radio frequencies, all interference related to radio frequencies, and so on in that realm... In short, he says that he guarantees that KDS network will not interfere with anyone. Nevertheless, if it does occur, they will do everything they can do within their power to mitigate their interference.

Creed Evans (01:20:15) says that KDS just admitted to having a line of sight issue and causing interference. He goes on to say that his tower is reported missing and he will replace the tower. He says that KDS network only wants to move for economic reasons. He would like the motion to be disapproved.

William Dwello (01:21:01) replies that he would like to clear up what was and what was not said. He says that the tower would not cause a line of sight issue.

Public Hearing closed at 10:33 AM

Board Discussion and Decision

Rob Skawinski (01:21:22) asks if there is a way that they can approve of it and add a condition that states the Roger Smith has given assurance that it will not interfere with the city's 911 Dispatch or the county's communication.

Bill Austin (01:21:52) agrees and asks Charity Yonker for her legal opinion on the situation at hand.

Charity Yonker (01:22:03) replies that it would be better if they table the SUP, which would allow Roger Smith time to weigh in on the situation.

Charles Kuether (01:22:55) says that he is in favor of tabling the SUP.

Leonard Reed (01:23:02) motions to table SUP 007-2019, Minor Utility Installation – Konceptio Data Services (KDS).

Charles Kuether seconds the motion to table.

All in favor, motion carries 4-0.

Charles Kuether (01:23:34) asks the staff if they will contact Roger Smith.

Sandor Hopkins (01:23:39) replies yes.

Rob Skawinski (01:23:57) says that it is important that they high speed internet to rural areas.

Bill Austin (01:24:38) agrees and says that he would like to expedite the process in order to get it done.

Charles Kuether (01:25:15) agrees. He goes on to asks if there is any way to add this meeting to the next Zoning Board of Adjustment meeting.

Sandor Hopkins (01:25:30) replies yes and that he will get the information out as soon as possible.

Leonard Reed thanks everyone for attending the meeting.

5. OLD BUSINESS: NONE

6. PUBLIC COMMENTS REGARDING MATTERS: NONE

7. BOARD MATTERS: NONE

8. ADJOURNMENT:

Leonard Reed made a motion to adjourn

Rob Skawinski seconded the motion

All in favor 4-0, meeting adjourned at 10:38 AM